

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
02-CA-220607Date Filed
05/21/2018

INSTRUCTIONS:

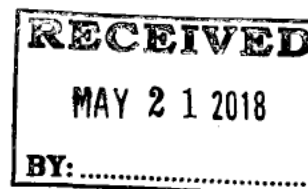
File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Goldberg Segalla, LLP		b. Tel. No. (646) 292-8700
		c. Cell No.
		f. Fax No. (646) 292-8701
d. Address (Street, city, state, and ZIP code) 711 Third Avenue Suite 1900 NY New York 10017-_____	e. Employer Representative	g. e-Mail
		h. Number of workers employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Legal	j. Identify principal product or service Legal Services	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--



3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.
(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Anthony J. Interlandi

(signature of representative or person making charge)

Anthony Joseph Interlandi Esq.
Title: Attorney

(Print/type name and title or office, if any)

Tel. No.

(860) 828-2166

Office, if any, Cell No.

Fax No.

(860) 828-2004

e-Mail

tony@interlandilaw.com

1224 Mill Street Building B
Address East Berlin CT 06023-

05/21/2018 16:26:36

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Poor Review	(b) (6), (b) (7)(C) 2017
(b) (6), (b) (7)(C)	Poor Review	(b) (6), (b) (7)(C) 2017

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

May 22, 2018

(b) (6), (b) (7)(C)

Re: Goldberg Segalla, LLP
Case No. 02-CA-220607

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 21, 2018 has been docketed as case number 02-CA-220607. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Nicole Oliver whose telephone number is (212)776-8633. If this Board agent is not available, you may contact Supervisory Attorney SIMON-JON H. KOIKE whose telephone number is (212)776-8621.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

cc: Anthony Joseph Interlandi, Esq., Attorney
Interlandi Law Office
1224 Mill Street, Building B
East Berlin, CT 06023



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

May 22, 2018

Goldberg Segalla, LLP
711 Third Avenue, Suite 1900
New York, NY 10017

Re: Goldberg Segalla, LLP
Case No. 02-CA-220607

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Nicole Oliver whose telephone number is (212)776-8633. If this Board agent is not available, you may contact Supervisory Attorney SIMON-JON H. KOIKE whose telephone number is (212)776-8621.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

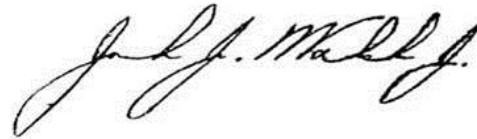
Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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May 22, 2018

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Representing Management Exclusively in Workplace Law and Related Litigation

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Jackson Lewis P.C.
90 State House Square
8th Floor
Hartford, Connecticut 06103-3708
Tel 860 522-0404
Fax 860 247-1330
www.jacksonlewis.com

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CHICAGO, IL	LAS VEGAS, NV	ORLANDO, FL	SAN JUAN, PR
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	LOS ANGELES, CA	PHOENIX, AZ	ST. LOUIS, MO
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DETROIT, MI	MILWAUKEE, WI	PROVIDENCE, RI	
GRAND RAPIDS, MI	MINNEAPOLIS, MN		

EMAIL ADDRESS: GIBBONST@JACKSONLEWIS.COM

*through an affiliation with Jackson Lewis P.C., a Law Corporation

May 30, 2018

VIA ADVANCE FACSIMILE

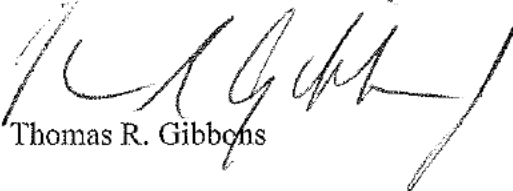
John J. Walsh, Jr.
Regional Director
National Labor Relations Board
711 Third Avenue, Suite 1900
New York, NY 10017

Re: Goldberg Segalla, LLP
Case No.: 02-CA-220607

Dear Mr. Walsh:

This firm represents Goldberg Segalla, LLP in the above-captioned matter.
Please direct all future communication regarding this matter to the undersigned.

Very truly yours,
JACKSON LEWIS P.C.


Thomas R. Gibbons

TRG (b) (5), (D)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and
Goldberg Segalla, LLP

CASE 02-CA-220607

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

(b) (6), (b) (7)(C)

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Anthony J. Interlandi

MAILING ADDRESS: 1224 Mill Street, Building B, East Berlin, CT 06023

E-MAIL ADDRESS: tony@interlandilaw.com

OFFICE TELEPHONE NUMBER: 860-828-2166

CELL PHONE NUMBER: 860-794-0381 FAX: 860-828-2004

SIGNATURE: 

(Please sign in ink.)

DATE: 8/6/18

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Representing Management Exclusively in Workplace Law and Related Litigation

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Jackson Lewis P.C.
90 State House Square
8th Floor
Hartford, Connecticut 06103-3708
Tel 860 522-0404
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DETROIT, MI	MILWAUKEE, WI	PROVIDENCE, RI	
GRAND RAPIDS, MI	MINNEAPOLIS, MN		

*through an affiliation with Jackson Lewis P.C., a Law Corporation

EMAIL: GIBBONST@JACKSONLEWIS.COM

December 6, 2018

VIA EMAIL

Maria Belonis
National Labor Relations Board- Region 2
26 Federal Plaza Ste. 3614
New York, NY 10278

RE: Goldberg Segalla, LLP
Case No. 02-CA-220607

Dear Ms. Belonis:

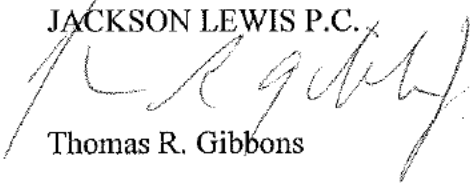
I will no longer be handling the above captioned matter. Going forward please contact Linda Carlozzi of this Firm's New York City office, she will now be handling this matter. Her contact information is listed below:

Linda R. Carlozzi, Esq.
Jackson Lewis P.C.
666 Third Avenue - 29th Floor
New York, New York 10017
DD: (212)545-404
Email: carlozzil@jacksonlewis.com

Thank you.

Very truly yours,

JACKSON LEWIS P.C.


Thomas R. Gibbons

TRG (b) (6), (b) (7)(C)

cc: Linda Carlozzi, Esq.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

August 30, 2018

Anthony Joseph Interlandi, Esq.
Interlandi Law Office
1224 Mill Street, Building B
East Berlin, CT 06023

Re: Goldberg Segalla, LLP
Case No. 02-CA-220607

Dear Mr. Interlandi:

We have carefully investigated and considered your charge that Goldberg Segalla, LLP (the Employer) has violated the National Labor Relations Act (the Act).

Approval of Request to Withdraw Portion of the Charge: This is to advise that I have approved the withdrawal of the portion of the charge alleging that the Employer disciplined (poor review), discharged, and otherwise retaliated against Dove Burns, in violation of Section 8(a)(1) of the Act. The balance of the charge is being retained for further processing, as discussed below.

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss the portion of the charge alleging that the Employer disciplined (poor review), discharged, and otherwise retaliated against (b) (6), (b) (7)(C) because (b) (6), (b) (7) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment, in violation of Section 8(a)(1) of the Act.

The investigation showed that (b) (6), (b) (7)(C) was employed by the Employer as a non-equity partner from about (b) (6), (b) (7) 2015 to (b) (6), (b) (7)(C) 2017, when (b) (6), (b) (7) was discharged. Beginning in 2016, (b) (6), (b) (7) and another attorney made concerted complaints about problems that they were both experiencing with an equity partner. You contend that these complaints caused the poor review and termination.

Section 8(a)(1) of the Act protects employees engaging in concerted activity with other employees. The statute does not protect persons acting on behalf of the Employer as supervisors within the meaning of Section 2(11) of the Act. Section 2(11) of the Act identifies a supervisor, as one who has the authority to, among other things, hire, assign, reward or discipline other employees, or responsibly to direct their work, in the interest of the employer, using independent judgment, or effectively to recommend such action. The evidence established that (b) (6), (b) (7)(C) effectively recommended in hiring decisions and assigned and responsibly directed employees in the performance of their tasks, and that (b) (6), (b) (7) exercised independent judgment in connection with these duties. As a result of (b) (6), (b) (7) supervisory status, (b) (6), (b) (7) is excluded from the Act's protection and I am dismissing this portion of the charge.

Retention of Remaining Allegation(s): The remaining portions of the charge, which allege, inter alia, that the Employer violated section 8(a)(1) of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment, remain subject to further processing.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.


The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **September 13, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than September 12, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before September 13, 2018**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after September 13, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,


John J. Walsh, Jr.
Regional Director

Enclosure

cc: Thomas R. Gibbons, Esq.
Jackson Lewis P.C.
90 State House Sq Ste 8
Hartford, CT 06103-3702

Goldberg Segalla, LLP
711 Third Avenue
Suite 1900
New York, NY 10017

(b) (6), (b) (7)(C)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

GOLDBERG SEGALLA, LLP

and

Case No. 02-CA-220607

(b) (6), (b) (7)(C)

An Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)**, an Individual (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Goldberg Segalla, LLP (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Party on May 21, 2018, and a copy was served on Respondent by U.S. mail on May 22, 2018.

2. (a) At all material times, Respondent, a New York Limited Liability Partnership, with its corporate office located at 665 Main Street, Suite 400, Buffalo, New York, and offices throughout the United States, has been engaged in the business of providing legal services to clients in and outside the State of New York.

(b) Annually, Respondent, in the course and conduct of its business operations described above in paragraph 2(a), derived gross revenues in excess of \$250,000.

(c) Annually, Respondent, in the course and conduct of its business operations described above in paragraph 2(a), purchased and received at its New York City facility products, goods and materials valued in excess of \$5,000 directly from suppliers outside the State of New York.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) and has been supervisor of Respondent within the meaning of Section 2(11) of the Act and agent of Respondent within the meaning of Section 2(13) of the Act.

5. Since about November 22, 2017, the Respondent has maintained rules in the confidentiality agreements with its employees that prohibit employees from discussing their wages and other terms and conditions of employment.

6. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 14, 2018, or postmarked on or before December 13, 2018.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties. An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is

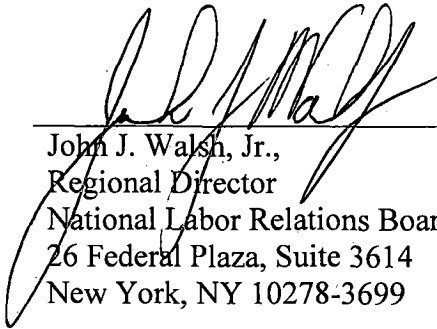
officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on a date to be determined and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The

procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: November 30, 2018



John J. Walsh, Jr.,
Regional Director
National Labor Relations Board, Region 02
26 Federal Plaza, Suite 3614
New York, NY 10278-3699

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
Goldberg Segalla, LLP

Case 02-CA-220607

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in the breakroom at each of its facilities listed in Attachment "A" of this Agreement. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

E-MAILING NOTICE - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all employees and former employees who were required to sign or otherwise become bound to the Confidentiality Agreement who work/worked at the facilities listed in Attachment "A" of this Agreement. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 2 of the National Labor Relations Board in Case 02-CA-220607." The Charged Party will forward a copy of that e-mail, with all of the recipients' e-mail addresses, to the Region's Compliance Officer at rachel.kurtzleben@nlrb.gov.

In the event the Charged Party does not maintain records of former employees' personal email addresses, the Charged Party will mail a copy of the Notice to the last known address of former employees in accordance with the terms outlined above for emailing of the Notice.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

NON-ADMISSION CLAUSE — By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve

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the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.


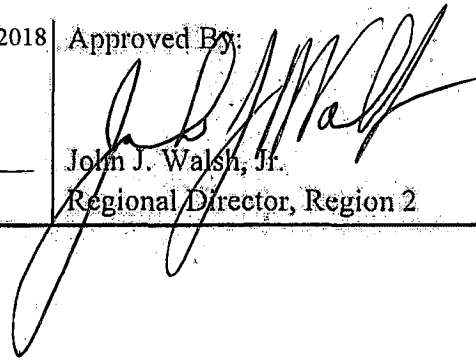
Yes *JK* No *ADZ*
Initials Initials

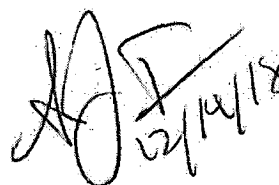

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the AFFIRMATIVE terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on November 30, 2018, in the instant case. Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party			Charging Party		
Goldberg Segalla, LLP			(b) (6), (b) (7)(C)		
By:	Name and Title	Date	By:	Name and Title	Date
	<i>Linda Carozzi</i>	<i>12-13-18</i>		<i>[Signature]</i>	<i>12/14/18</i>
Print Name and Title below			Print Name and Title below		
<i>LINDA R. CAROZZI, Esq.</i> <i>Atty for Employer</i>			<i>Anthony J. Interlandi</i> <i>Atty for</i> (b) (6), (b) (7)(C)		

Recommended By:	Date 12-18-2018	Approved By:	Date
Maria P. Belonis Field Examiner		 John J. Walsh, Jr. Regional Director, Region 2	12/18/18

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(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT maintain or enforce a Confidentiality Agreement that prohibits employees from discussing with nonemployees or among themselves, wages and other terms and conditions of employment and provides that you may be subject to legal action for violating the rule.

WE WILL NOT in any like or related manner interfere with your rights listed above.

WE WILL rescind the Confidentiality Agreement or revise it to make clear that paragraph 1 of the Confidentiality Agreement does not prohibit employees from discussing their wages and other terms and conditions of employment with nonemployees or among themselves.

WE WILL furnish all current and former employees who were required to sign or otherwise become bound to the Confidentiality Agreement with written notice that it has been rescinded or revised as described above and, if revised, we will provide them a copy of the revised agreement.

Goldberg Segalla, LLP

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at

*ADT 12/14/18
JC 12-13-18*

<https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

26 Federal Plz Ste 3614
New York, NY 10278-3699

Telephone: (212)264-0300
Hours of Operation: 8:45 a.m. to 5:15 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

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ATTACHMENT "A"

1. New York

711 3rd Avenue, Suite 1900
New York, New York 10017-4013

2. Chicago

311 South Wacker Drive, Suite 2450
Chicago, Illinois 60606-6627

3. Los Angeles

777 Tower, 777 S. Figueroa Street, Suite 1900
Los Angeles, California 90017

4. Orange County

2600 Michelson Dr., Suite 100
Irvine, California 92612

5. St. Louis

8000 Maryland Avenue, Suite 640
St. Louis, Missouri 63105-3752

6. Orlando

One Orlando Centre
800 North Magnolia Avenue, Suite 1201
Orlando, Florida 32803-3252

7. West Palm Beach

Esperanté Corporate Center
222 Lakeview Avenue, Suite 800
West Palm Beach, Florida 33401-6148

8. Philadelphia

1700 Market Street, Suite 1418
Philadelphia, Pennsylvania 19103-3907

9. Miami

777 Brickell Avenue, Suite 1370
Miami, Florida 33131-2803

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10. Baltimore

One North Charles Street, Suite 2500
Baltimore, Maryland 21201-3739

11. Newark

1037 Raymond Boulevard, Suite 1010
Newark, New Jersey 07102-5423

12. Garden City

200 Garden City Plaza, Suite 520
Garden City, New York 11530-3203

13. Hartford

100 Pearl Street, Suite 1100
Hartford, Connecticut 06103-4506

14. Princeton

301 Carnegie Center Drive, Suite 200
Princeton, New Jersey 08540-6587

15. Greensboro

800 Green Valley Road, Suite 302
Greensboro, North Carolina 27408-7030

16. Raleigh

333 Fayetteville Street, Suite 1410
Raleigh, North Carolina 27601

17. Buffalo

665 Main Street
Buffalo, New York 14203-1425

18. Rochester

2 State Street, Suite 1200
Rochester, New York 14614-1342

19. Syracuse

5786 Widewaters Parkway
Syracuse, New York 13214-1840

Handwritten:
12/14/18
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20. Albany

8 Southwoods Boulevard, Suite 300
Albany, New York 12211-2364

21. White Plains

11 Martine Avenue, Suite 750
White Plains, New York 10606-1934

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

September 14, 2018

ANTHONY JOSEPH INTERLANDI, ESQ.
INTERLANDI LAW OFFICE
1224 MILL ST BUILDING B
EAST BERLIN, CT 06023

Re: Goldberg Segalla, LLP
Case 02-CA-220607

Dear Mr. Interlandi:

We are granting your request for an extension of time to file an appeal to October 15, 2018. You must file your appeal electronically through the Agency's e-filing system or by U.S. mail or by private delivery service. Do not fax or email your appeal. This office will not process faxed or emailed appeals.

To ensure that your appeal is processed, please read and follow carefully the instructions below. We encourage you to file your appeal electronically through the Agency's e-filing system on the website www.nlrb.gov. If you choose to e-file your appeal, remember to allow enough time to complete the e-filing process by 11:59 pm (E.T.) on October 15, 2018. Otherwise, your appeal will be late.

- 1) Click on E-File documents;
- 2) Enter your NLRB Case Number; and,
- 3) Follow the detailed instructions.

If you file by mail or by delivery service, your appeal will be timely if it is postmarked or given to a delivery service no later than October 15, 2018. If your appeal is postmarked or given to a delivery service on the due date or after, this office will reject it as untimely. The Region must receive a copy by the same date. If hand delivered, an appeal must be received by the General Counsel in Washington, D.C. by 5:00 p.m. E.T. on the appeal due date.

If you do not submit an appeal in accordance with this paragraph, this office will reject it.

Sincerely,

Peter Barr Robb
General Counsel



By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: JOHN J. WALSH, JR.
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
26 FEDERAL PLZ STE 3614
NEW YORK, NY 10278-3699

THOMAS R. GIBBONS, ESQ.
JACKSON LEWIS P.C.
90 STATE HOUSE SQ STE 8
HARTFORD, CT 06103-3702

cl



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

November 7, 2018

ANTHONY JOSEPH INTERLANDI, ESQ.
INTERLANDI LAW OFFICE
1224 MILL ST BLDG B
EAST BERLIN, CT 06023

Re: Goldberg Segalla, LLP
Case 02-CA-220607

Dear Mr. Interlandi:

We have carefully considered your appeal from the Regional Director's decision partially to dismiss the captioned charge. Based upon our review of the evidence disclosed by the Regional Office's investigation as well as applicable case law, we have decided to deny the appeal, substantially for the reasons explained in the Regional Director's letter dated August 30, 2018.

Your charge alleges that the Employer unlawfully discharged your client in retaliation for protesting terms and conditions of employment and to discourage employees from engaging in protected concerted activities. The Regional Office's investigation disclosed that evidence supports that your client is a supervisor under Section 2(11) of the National Labor Relations Act and hence is not afforded its protection. On appeal, you contend that (b) (6), (b) (7)(C) was not a supervisor, as (b) (6), (b) (7)(C) could not hire, fire, promote, demote, or discipline employees, nor did (b) (6), (b) (7)(C) have the power to direct the work of associates or establish their terms and conditions of employment.

Individuals are statutory supervisors under Section 2(11) of the Act only "if (1) they hold the authority to engage in any 1 of the 12 listed supervisory functions [listed therein]," and "(2) their 'exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.'" *NLRB v. Kentucky River Cmty. Care, Inc.*, 532 U.S. 706, 713 (2001) (quoting 29 U.S.C. § 152(11)). Those twelve supervisory functions include the authority to hire or discipline employees, to assign work, "or effectively to recommend such actions." 29 U.S.C. § 152(11). Here, the evidence shows that your client had the authority to engage in these activities as a matter of (b) (6), (b) (7)(C) independent judgment. Hence, (b) (6), (b) (7)(C) is a supervisor for the purposes of the Act and is not afforded the Act's protection.

For the reasons stated above, further proceedings on the captioned charge are unwarranted.

This decision, however, does not impact the allegations in the charge that remain open and pending with the Region.

Sincerely,

Peter Barr Robb
General Counsel



By:


Mark E. Arbesfeld, Director
Office of Appeals

cc: JOHN J. WALSH, JR.
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
26 FEDERAL PLZ STE 3614
NEW YORK, NY 10278-3699

THOMAS R. GIBBONS, ESQ.
JACKSON LEWIS P.C.
90 STATE HOUSE SQ STE 8
HARTFORD, CT 06103-3702

GOLDBERG SEGALLA, LLP
711 THIRD AVE STE 1900
NEW YORK, NY 10017

(b) (6), (b) (7)(C)



kf